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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,054	08/20/2003	Michael Joseph Stirniman	SEAG-STL-2930P1	5143
,	7590 09/23/201 CHNOLOGY LLC	EXAMINER		
0.01.111101101	Hao & Barnes LLP	MACARTHUR, SYLVIA		
Two North Mar Third Floor	kei Sireei	ART UNIT	PAPER NUMBER	
San Jose, CA 95	5113	1716		
			NOTIFICATION DATE	DELIVERY MODE
			09/23/2010	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

officeaction@mhbpatents.com

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/644,054	STIRNIMAN ET AL.		
Examiner	Art Unit		
Sylvia R. MacArthur	1716		

	Sylvia R. MacArthur	1716	
The MAILING DATE of this communication appea	rs on the cover sheet with the	correspondence add	ress
THE REPLY FILED <u>07 September 2010</u> FAILS TO PLACE THIS	APPLICATION IN CONDITION I	FOR ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on tapplication, applicant must timely file one of the following reapplication in condition for allowance; (2) a Notice of Appear for Continued Examination (RCE) in compliance with 37 CF periods:	he same day as filing a Notice of eplies: (1) an amendment, affidav al (with appeal fee) in compliance	Appeal. To avoid abar it, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
<ul> <li>a) The period for reply expires 3 months from the mailing date of this Adno event, however, will the statutory period for reply expire lat Examiner Note: If box 1 is checked, check either box (a) or (b MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)</li> </ul>	visory Action, or (2) the date set forth er than SIX MONTHS from the mailin ). ONLY CHECK BOX (b) WHEN THE	g date of the final rejectio	n.
Extensions of time may be obtained under 37 CFR 1.136(a). The date o have been filed is the date for purposes of determining the period of exteunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the sheet forth in (b) above, if checked. Any reply received by the Office later that may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	nsion and the corresponding amount nortened statutory period for reply orig	of the fee. The appropria inally set in the final Office	ate extension fee e action; or (2) as
2. The Notice of Appeal was filed on A brief in compli filing the Notice of Appeal (37 CFR 41.37(a)), or any extension Notice of Appeal has been filed, any reply must be filed with AMENDMENTS	sion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	
3. The proposed amendment(s) filed after a final rejection, by  (a) They raise new issues that would require further constant  (b) They raise the issue of new matter (see NOTE below  (c) They are not deemed to place the application in better	sideration and/or search (see NO /);	TE below);	
appeal; and/or  (d) They present additional claims without canceling a continuous NOTE: (See 37 CFR 1.116 and 41.33(a)).			
<ul> <li>The amendments are not in compliance with 37 CFR 1.12.</li> <li>Applicant's reply has overcome the following rejection(s):</li> </ul>			
6. Newly proposed or amended claim(s) would be allow non-allowable claim(s).	·	•	_
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provious. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: <a href="mailto:1-8,13-15,28 and 29">1-8,13-15,28 and 29</a> . Claim(s) withdrawn from consideration: <a href="mailto:16-23">16-23</a> .		ll be entered and an ex	xplanation of
AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
9. The affidavit or other evidence filed after the date of filing a entered because the affidavit or other evidence failed to ov showing a good and sufficient reasons why it is necessary	ercome <u>all</u> rejections under appe	al and/or appellant fails	s to provide a
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	of the status of the claims after e	ntry is below or attache	ed.
11. The request for reconsideration has been considered but See Continuation Sheet.	does NOT place the application in	n condition for allowand	ce because:
12.  ☐ Note the attached Information <i>Disclosure Statement</i> (s). (F 13.  ☐ Other:	PTO/SB/08) Paper No(s)		
September 19, 2010	/Sylvia R MacArthur/ Primary Examiner, Art U	Jnit 1716	

Continuation of 11. does NOT place the application in condition for allowance because: The examiner has considered applicants arguments and has found them to be unpersuasive, namely applicant argues that the prior art of Branderhorst et al (US 5,196,064) fails to teach or fairly suggest an elongated lubricant vapor source as recited in claim 1. However, upon review of the Figures of Branderhorst et al especially Figures 1 and 3 it is noted that the nozzle assembly of Branderhorst et al comprises a chamber (bridge plate 170) with primary plugs (110, 115). Nuts 123 and 124 have threaded holes to complement the plugs and allow the height adjustment. Branderhorst et al is seen as the primary reference, teaching the claimed structure of the plugs with a drilled hole 128 and two openings (inlet and outlet). Since Branderhorst et al fails to specify the use of a lubricant source, the prior art of Liehr et al (US 6,487,986) teaches an elongated vapor source (chamber 1). Similar to the assembly of Branderhorst et al, the prior art of Segerstorm et al (EP 0318071) teaches threaded plugs and their ability to provide adjustable spray configurations.